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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VROUENRAETS et al

Atty. Ref.: 1626-3; Confirmation No. 8108

Appl. No. 09/980,088

TC/A.U.

Filed: August 23, 2002

Examiner:

For: PHOTODYNAMIC THERAPY COMPOUNDS

* * * * *

June 9, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO IMPROPER NOTIFICATION OF ABANDONMENT

This is responsive to an Abandonment/Termination Letter mailed June 2, 2004. The Letter indicates "Applicant has failed to respond to Petition Decision". This is incorrect.

The "Petition Decision" referred to is a communication dated October 22, 2003 and concludes with a comment (page 2, next last paragraph) "Applicant is required to file a proper response within two months from the mail date of this communication. A proper response would include declarations properly executed by inventors Martinus Vrouenraets and Gerardus Viisser."

On December 5, 2003 I filed a response to the communication in question which included the appropriate declaration signed by all three inventors, including the two individuals named. This response was a full and complete response to the Communication of October 22, 2003 and therefore applicant **did** provide the necessary

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response. As proof of this filing attached is a true and correct copy of the postcard receipt bearing the date stamp of December 5, 2003 as well as the response itself and inventors' declaration.

This application should not be considered as abandoned but instead should be returned to the active files and processing continued on the basis of the inventors' declaration submitted December 5, 2003.

If there are any questions, please contact the undersigned by telephone at the number given below or e-mail at arc@nixonvan.com.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
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Serial No.: 09/980088
Applicant: VROUEN Raets et al
Title: Photodynamic Therapy Compounds
Atty: ARC
Date: 12/5/03
Client: 1626-3
Ref:

____ Amendment
____ Pages Specification
____ Claims
____ Sheets Drawings: Formal _____
Informal _____
____ Declaration (_____ Pages)
____ Assignment
____ Priority Document
____ Base Issue Fee Transmittal
____ Fee (Check)



Other: Response; executed Dec (2 pages)



COPY

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MAIL STOP PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

December 5, 2003

ATTENTION: OFFICE OF PCT LEGAL ADMINISTRATION

Sir:

RESPONSE

Responsive to the Communication dated October 22, 2003, enclosed herewith is a Declaration properly executed by all three inventors in this case as requested in the Communication. Please proceed with national processing of this application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

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